

REMARKS

The Office Action mailed April 16, 2007 and Advisory Action of August 30, 2007 has been received and reviewed. This response is filed with a request for extension of time and required fee. Claims 1-5, 8-13, 15, 17-20, 22, 38-40 and 46 stand rejected. Claims 16-19, 21 and 23 have been amended herein. Claims 1-5, 7-15, 20, 22, and 24-49 are canceled herein. All amendments and cancellations are made without prejudice or disclaimer. No new matter is added. Reconsideration is respectfully requested.

35 U.S.C. §112

Claims 1-5, 8-13, 15, 17-20, 22, 38-40 and 46 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Claims 1-5, 8-13, 15, 20, 22, 38-40 and 46 been canceled, thus the rejection is moot as to those claims. Applicants respectfully traverse the rejection with respect to claims 17-19.

Specifically, it was asserted that applicants failed to sufficiently describe the genus "YscF protein." This claim element is not present in dependent claims 17-19. Claim 16 was not rejected under 35 U.S.C. §112. As claims 17-19 have been amended to depend from claim 16 and do not include the disputed claim term, claims 17-19 comply with the written description requirement. Reconsideration and withdrawal of the rejection is thus respectfully requested.

35 U.S.C. §102(b)

A. Claims 1-3, 5, 8-11, 13, 15, 17-18, 20, 22, 38-40 and 46 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Titball et al. (U.S. Patent 5,985,285). Claims 1-3, 5, 8-11, 13, 15, 20, 22, 38-40 and 46 have been canceled, thus the rejection is moot as to these claims. Applicants respectfully traverse the rejection of claims 17 and 18.

Claims 17 and 18 have been amended to depend from allowable claim 16. Claim 16 was indicated as free from the art, accordingly, claims 17 and 18 are free from the art at least for the same reasons as claim 16. Reconsideration and withdrawal of the rejection is requested.

B. Claims 1, 8 and 22 stand rejected under 35 U.S.C. §102(b) as being allegedly

anticipated by Stewart Jr. et al. (U.S. Patent 6,261,561). Claims 1, 8 and 22 have been canceled, thus the rejection is moot.

Allowable Subject Matter

Claims 16, 21 and 23 were objected to for depending upon a rejected base claim, but were indicated as containing allowable subject matter. Claims 16, 21 and 23 have been amended and placed in independent form. Further, dependent claims 17-19 have been amended to depend from allowable claim 16. Thus, an indication of the allowability of claims 16-19, 21 and 23 is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that the claims define patentable subject matter and a notice of allowance is requested. Should questions exist after consideration of the foregoing, the Office is kindly requested to contact the applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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